

CATCHING UP WITH ROOSEVELT

This Article Shows, in Outline, the Vast Amount of Work Colonel Roosevelt got through as President, and how Bitterly He was Fought by Capitalists and Politicians Every Inch of the Way. Every Reform Measure He Introduced was Fiercely Opposed, as were His Pure Food and Pure Drug Laws. Now All His Measures of Reform are Accepted by the Very Men Who Fought Them the Hardest. This Is "Catching Up with Roosevelt."

This Welliver article is very much worth reading. Indeed, no one who wishes to be well informed can afford not to read it.

Frank A. Munsey

“ You cannot get out of a man what God Almighty didn't put into him. You must suit the man to the job ; not the job to the man.”

CATCHING UP WITH ROOSEVELT

BY JUDSON C. WELIVER

WITH AN INTRODUCTION BY MR. MUNSEY

THE less a man has done, who has done anything at all notable, the easier it is to remember what he has done; the more a man has accomplished, the more difficult it is to keep in mind the victories he has won.

Mr. Roosevelt has done so much in the big arena, has recorded so many triumphs and set in motion so much worth-while thought, that he has overtaxed our memories, leaving us just a bit muddled as concerns the record of his achievements.

The purpose of this article of Mr. Welliver's, however, is not to discuss Mr. Roosevelt's successes or failures, his merits or defects, but to make clear our own change of viewpoint.

We are moving forward so rapidly in this period of political and social evolution that what was radical yesterday is conservative to-day; what we fought yesterday as dangerous and revolutionary policies are to-day accepted as wholesome, welcome measures, against which few, if any, would raise a note of protest. They fit to-day as if they had always been with us. The simple fact is that we have caught up with them.

This Welliver article treats the subject merely from its legislative phase, and in this phase it does no more than give a microscopic suggestion of the tremendous opposition Roosevelt met and overcame. The measures he initiated are so full of common sense and justice, and have worked out so well, that the very men who opposed them most bitterly would now fight as hard for their retention as they fought against them and against Roosevelt as their sponsor.

We forget these things in the mad rush of our lives, forget the initiative and human energy and determined force spent in prying out the old and installing the new. The world is sodden in its prejudice against anything new, and fights doggedly for what is.

Strenuous as was the fight in the halls of Congress against Roosevelt and his policies, it was mild as compared with the combined fight put up against him by the railroads, by Big Business, and by Wall Street almost to a man—the big fellows and the little fellows alike. No man has ever been more bitterly denounced and more thoroughly hated than Roosevelt was by the "financial district" and all its allied contacts.

It fought him with all the force of its terrible power; fought him in the open and from ambush; fought him through legislation and the lobby; fought him through the press and in any way and every way known to men of vast wealth and to corporations of yet vaster wealth. But Roosevelt won out, and he won because he was right, and because the American people believed in him and his policies, and were back of him.

It does not follow that all the men who opposed Roosevelt, in and out of Congress, were actuated by selfish purposes. Some of them doubtless were, but the great majority

were not. They stood for what was because it was. They lacked the imagination to grasp the new, and shuddered at the approach of any change.

That was as of yesterday, a long-ago yesterday. The archaic practises, which were then the liberties of man, are to-day dim in our memories, disowned and discredited. The radicalism of Roosevelt has taken their place, and has already mellowed into conservatism, with the approval and indorsement of those who once opposed it.

This is "catching up with Roosevelt." Congress has caught up with him, Wall Street has caught up with him, and radicalism has gone beyond him. Of all the big progressives, Roosevelt is to-day preeminently the biggest and sanest conservative—a progressive conservative.

I hope you will read with care Mr. Welliver's illuminating article. Not to know the facts he states is to be badly equipped for the discussions ahead of you during the coming campaign—discussions in which you will be involved in the drawing-room, at dinners, at your clubs, in business circles, and everywhere, whether at home or abroad.

IN the three years since Theodore Roosevelt retired from the Presidency, public opinion, intelligence, and conscience have been "catching up with Roosevelt."

I am going to compare some of the prophecies of evil that greeted his policies with the benefits that have flowed from their crystallization into law. I shall point out some of the notable cases in which Roosevelt, though not a lawyer, proved wiser than some of the best lawyers. I shall show wherein his judgment of the Constitution and its limitations was more accurate than that of statesmen who had set themselves up as the very keepers of the ark of the constitutional covenant.

By all means the greatest monument to Mr. Roosevelt's efforts for reform is the Dolliver-Hepburn Railroad Act. As early as 1901 he began urging the need of such legislation. In December, 1903, he declared in his message that "the power of the Interstate Commerce Commission should be made thoroughgoing, so that it could exercise complete supervision and control over the issue of securities as well as over the raising and lowering of rates."

The Congressional session of 1905-1906 was given over largely to consideration of the Dolliver-Hepburn measure. It finally became law on June 29, 1906, and has therefore been in effect nearly six years. In the beginning, such legislation was scouted by railroad and financial interests. To-day, it would be impossible to organize a respectable support among these same elements for a proposal to repeal the measure. It has ended rate wars, steadied traffic conditions, put a stop to unregulated and injurious competition; has largely quieted

the popular outcry against railway management, and has put securities on a sounder basis than ever before.

THE FIGHT AGAINST A GOOD BILL

All these things are to-day of common knowledge. But when Mr. Roosevelt began agitation for the law he met the most stubborn resistance. When his followers urged measures along these lines the controlling powers in Congress smothered them. It was not until Roosevelt had persistently appealed to public opinion, and finally brought it into step with his policies, that the old Cannon machine in the House yielded and passed the bill. When the collapse finally came the opposition went completely to pieces, and the House was well-nigh unanimous for the measure.

But this only meant that the responsibility had been shifted to the Senate. The Aldrich-Hale machine was relied upon to save the day that its allies in the House had lost.

Accordingly, the bill was referred to the Senate Interstate Commerce Committee, which held it an unconscionably long time. Most of the Republicans on the committee were flatly opposed to reporting it. Senator Dolliver, its real author; Senator Clapp, of Minnesota, and Senator Cullom, of Illinois, were the only friendly Republicans. The others—Senators Aldrich, of Rhode Island; Kean, of New Jersey; Foraker, of Ohio; Crane, of Massachusetts, and Elkins, of West Virginia—held out against the bill.

For dreary week after week it seemed certain that the committee would refuse to report the measure at all, and that it would die an inglorious death by asphyxiation in the committee. Such a fate had often been

meted out to bills which the powers dared not openly kill, yet would not allow to live. But there was a new factor to be reckoned with. Roosevelt in the White House was mightily in earnest. He had come to the

He appealed to the country. He reasoned with men who were honestly opposed. He showed the railroad managers that it was better to accept moderation when it was offered than to fight it off and dam up a

SOME OF THE NOTABLE ACHIEVEMENTS OF THE ROOSEVELT ADMINISTRATION

1. Dolliver-Hepburn Railroad Act.
2. Extension of Forest Reserve.
3. National Irrigation Act.
4. Improvement of waterways and reservation of water-power sites.
5. Employers' Liability Act.
6. Safety Appliance Act.
7. Regulation of railroad employees' hours of labor.
8. Establishment of Department of Commerce and Labor.
9. Pure Food and Drugs Act.
10. Federal meat inspection.
11. Navy doubled in tonnage and greatly increased in efficiency.
12. Battle-ship fleet sent around the world.
13. State militia brought into coordination with army.
14. Canal Zone acquired and work of excavation pushed with increased energy.
15. Development of civil self-government in insular possessions.
16. Second intervention in Cuba; Cuba restored to the Cubans.
17. Finances of Santo Domingo straightened out.
18. Alaska Boundary dispute settled.
19. Reorganization of the consular service.
20. Settlement of the coal strike of 1902.
21. The government upheld in Northern Securities decision.
22. Conviction of post-office grafters and public-land thieves.
23. Directed investigation of the Sugar Trust customs frauds, and the resultant prosecutions.
24. Suits begun against the Standard Oil and Tobacco companies and other corporations for violation of the Sherman Anti-Trust Act.
25. Corporations forbidden to contribute to political campaign funds.
26. Keeping the door of China open to American commerce.
27. Bringing about the settlement of the Russo-Japanese War by the Treaty of Portsmouth.
28. Avoiding the pitfalls created by Pacific Coast prejudice against Japanese immigration.
29. Negotiating twenty-four treaties of general arbitration.
30. Reduction of the interest-bearing debt by more than \$90,000,000.
31. Inauguration of movement for conservation of natural resources.
32. Inauguration of the annual conference of Governors of States.
33. Inauguration of movement for improvement of conditions of country life.

POLICIES RECOMMENDED BY PRESIDENT ROOSEVELT

1. Reform of the banking and currency system
2. Inheritance tax.
3. Income tax.
4. Passage of a new employers' liability act to meet objections raised by the Supreme Court.
5. Postal savings-banks.
6. Parcel-post.
7. Revision of the Sherman Anti-Trust Act.
8. Legislation to prevent overcapitalization, stock-watering, etc., of common carriers.
9. Legislation compelling incorporation under Federal laws of corporations engaged in interstate commerce.

crisis of his career. To lose now was to lose all. He must break the Senate machine, as he had broken that of the House, or it would be master, not he.

So he went at the fight with all his power.

tide of public opinion which would finally overwhelm them in a deluge.

He imparted his energy to his loyal friends in the committee, and at length they won the first victory. The Democrats and

the three friendly Republicans forced the bill out without any report. The opposition, in order to injure its standing before the Republican Senate, directed Senator Tillman, a Democrat, to make the report, instead of Senator Dolliver. At the time, the Tories esteemed this a marvelously clever coup, but its actual effect was to whet popular indignation, and to strengthen the demand for the measure.

Roosevelt now had his fight out in the daylight, where the country could watch it, where his enemies were at their greatest disadvantage.

THE CONSTITUTIONAL BUGBEAR

Instantly the opposition changed its tactics. It began to fight the *form* of the legislation; to discover fatal defects; to worry about the Constitution and the attitude of the courts. When the bill came before the Senate, Mr. Aldrich, as leader, proclaimed his policy thus:

"A majority of the Republican members of the committee did not join in favor of the report, for the reason that, in their judgment, an attempt should have been made to remedy obvious and admitted defects. Clear and adequate provision should have been made for subjecting the orders of the commission to judicial review."

Senator Foraker, of Ohio, a great lawyer and a leading force in the Senate, opposed all governmental rate-making whatever. He declared that this legislation was "so contrary to the spirit of our institutions, and of such drastic and revolutionary character, that the consequences are likely to be most unusual and far-reaching." He said that Congress did not have the power to do the thing which the bill proposed, and that it was most fortunate for the country that it did not. There was no necessity for such legislation, and it "had not one line in it that afforded any remedy whatever against the greatest and most serious evils that have been mentioned. If it does not fail and perish in the courts," he went on, "experience will shortly demonstrate the utter impracticability of rate-making by a commission." He predicted ruin to the railroads if the legislation should pass.

Senator Scott, of West Virginia, declared that "a careful study of the railroad situation where government control obtains will show the evils resulting, and force the belief that governments cannot make rates that will meet the needs of trade and industry."

Senator Spooner, of Wisconsin, a very alert watchdog of the Constitution, declared:

"Many others think that the pending measure is in more than one respect of doubtful constitutionality, to say the least. I think I may justly say that many of us regard it as unconstitutional in one or two important particulars."

Senator Morgan, of Alabama, described the essential feature of the bill "as a direct assault upon the Constitution. It cannot succeed," he added, "unless it can ride down or evade the express provisions of the Constitution which define and protect the judicial powers of the courts, and all its important provisions are framed for this purpose."

That was the terrifying argument to which the measure's opponents were always turning. A study of the *Record* develops that most of the reputed great lawyers on the Republican side predicted that the bill would be found unconstitutional in very important respects, if not as a whole. Yet, after more than five years, not a single provision of that long and involved measure has been so held!

THE CONGRESSIONAL CAVILER'S CHORUS

Senator Clarke, of Arkansas, adopted the familiar tactics of declaring the measure worthless because it did not go far enough.

"The bill as it now stands," he said, "is based upon an erroneous theory of regulation from its very first provision to its last. It betrays a rare ignorance of the evils to be overcome and of the methods available to Congress in suppression."

Representative Sibley, of Pennsylvania, with more frankness than was indulged in by these velvet-footed statesmen who professed fear of the bill's constitutionality, expressed the thought at the bottom of most opposition minds when he said:

"Not all men supporting this bill are socialists and anarchists, but every socialist and every anarchist does indorse this bill."

Representative McCall, of Massachusetts, put it thus:

"It is upon the advocates of this bill to show that we should set aside the American system of freight-rates, which has given us rates hardly half as high as are paid by the other great countries of the world, although our railroads pay their labor twice the wages paid in other countries. Give us a reason why we should discard a system which has been a success for a system which has been a failure."

Representative Littlefield, of Maine:

"I do not believe that a tribunal of seven men should be at one and the same time a detective agency, a prosecuting attorney, and a lord high executioner, even though railroads may be the subjects aimed at."

I have quoted indiscriminately from Democrats and Republicans alike, attempting to illustrate the variety of argument and innuendos adduced by the opposition.

So they talked, week after week; talked the winter away into the spring, the spring into the summer, bent on wearing out the President and smothering the bill.

ONE MAN AGAINST A SYSTEM

But the one man who found himself matched against a system welcomed the test. He took up the gage and forced the fighting. He seized every advantage, drove his enemies out of one position after another, and gave a demonstration of staying quality that astounded the opposition. The redoubtable Senate machine was brought to realize that it had met a new kind of attack.

In this struggle time was on the side of Roosevelt, because he knew how to use it, and seemed incapable of weariness. The country came to his aid. The latent power of real but unorganized sentiment made itself felt. Commercial bodies, political organizations, and civic forces came forward to align themselves with the President. Senators were made to understand that the voters were looking on and "keeping tabs." Political careers were put in jeopardy. Constituencies fell afoul of their Senators; togas began to slip away from shoulders that had long worn them in the proud confidence of secure possession. What was the use of beating Roosevelt if, in doing so, his enemies must meet their own destruction?

Thus statesmen began to consult the oracle of their personal ambitions; and as they interpreted its answer, they understood that their salvation was in lining up for the President's bill.

Desertions from the opposition began to be rumored, then confirmed. Defeat stared the Aldrich machine in the face. The day came when a safe majority could be counted for the bill. Then defeat was followed by panic, and panic degenerated into rout.

Roosevelt's victory was complete, sweeping. When the long-awaited hour came, with the final vote on the bill, Republicans and Democrats lined up together for it, and the roll-call showed a majority so large as

to be all but unanimous! The men who did not dare vote against the bill contented themselves by supporting it and uttering doleful prophecies of failure, which have not come true.

Thus was won the greatest victory of the Roosevelt administration. It was so complete that it seemed impossible for the opposition ever to pull itself together for a struggle to regain the lost ground.

But not so. Before two years had passed the same old enemies were again in the field for an effort to undo, by indirection, the great achievement. Roosevelt was forced into a fight to save what he had won. The story of how the reactionary House leaders tried to starve the Dolliver-Hepburn law to death, by refusing appropriations for its enforcement, recalls one of his bitterest fights and most signal victories.

THE BATTLE FOR SECTION TWENTY

The law included, as its twentieth section, a provision that the Interstate Commerce Commission should provide a uniform system of accounting for all railroads, require reports, have access to their accounts, and inspect these, to insure that the law was being obeyed.

This was and is widely regarded as the most important feature of the act. It is a guarantee against discrimination, for if government inspectors go through the accounts, it must be practically impossible to give rebates without their knowledge.

There was determined hostility to this provision, and its opponents intrigued to destroy it. A plot was carefully laid, to be sprung when the Sundry Civil Bill of 1908 was passed.

By that time the Interstate Commission had perfected the uniform system of accounting, and needed inspectors and accounting experts to investigate the books of railroads, precisely as bank-examiners investigate banks. Accordingly the commission asked Congress for half a million dollars for such experts.

The Committee on Appropriations, in framing the bill, cut this amount to fifty thousand dollars—a figure so utterly inadequate that it was ridiculous. The tory leaders were determined that section twenty must be destroyed, and knew that if the commission had no money to enforce it, it would fail. The failure could be made a pretext for its repeal.

Speaker Cannon was in fullest sympathy

with this plot; so were such members of the appropriation committee as Chairman Tawney, and Messrs. Gardner, of Michigan; Smith, of Iowa; Keifer, of Ohio; Livingston, of Georgia; Fitzgerald, of New York, and Sherley, of Kentucky. The job was set up very quietly, and it was only by accident that Roosevelt learned of the plot. Without delay, he prepared a special message, insisting that at least three hundred and fifty thousand dollars should be provided.

This message was the signal for the hardest fight the Cannon forces made at that session. It was a conclusive test of strength between Roosevelt and the machine.

The House leaders had intended to make their fight from ambush; to jam through their fifty-thousand-dollar item while nobody was watching; to fool Roosevelt.

He didn't fool. Learning the plot, he exposed it with his ringing message, which once more brought the fighting out into the open. Then he sent for every friendly member of the House, rallied all the doubtful ones who could be reached, sounded the alarm to the country, and forced the issue.

THE CANNON MACHINE AT BAY

It was a tense occasion, that gray morning in late April, 1908, when the crucial item in the Sundry Civil Bill was reached. Both sides had spent several days in summoning their forces and planning for the struggle. To both, it meant far more than appeared on the surface. Down to that day, the Cannon organization had been able to suppress all the big "policy measures" that Roosevelt was urging. Committees packed against them would not bring them out. The session would be a failure unless Roosevelt should seize an opportunity to inflict a square and fair defeat upon his opponents. If he should win in this trial, he would be master of the situation.

The long day of debate opened with a large attendance in the House. Everybody knew that the fate of the session really hung in the balance. Masks were off, gloves cast aside. It was to be a finish fight. Never before had the real bitterness of the old House leadership been so openly displayed.

Chairman Tawney, of the Appropriations Committee, big, forceful, direct, fearless, led the machine's phalanx. As soon as the amendment had been offered to raise the appropriation from fifty thousand dollars to three hundred and fifty thousand, he was on his feet, and the battle was open.

"If section twenty is to depend upon an army of examiners for its enforcement," Mr. Tawney protested, "that section is an absolute failure. Who has ever advocated that, because we had enacted a law of that kind, therefore Congress should provide an army of examiners for the purpose of supervising the conduct of every man to determine whether or not he was obeying the law? Why, gentlemen, it will require an army of men, and ultimately result in a Federal audit of all the accounts of the transportation companies. I submit that we should not become hysterical over this proposition. The committee oppose the populist demand for unnecessary appropriations for that service."

Mr. Sherley, of Kentucky, declared that section twenty meant "to take a burden upon the government that not only is useless, but will be expensive beyond the dream of men. I protest against the theory that we must have an army of inspectors and spies on the men of America during each hour of the working day to see that they do not disobey the law."

Mr. Keifer vociferously echoed this appeal to prejudice, declaring that "the time is coming when somebody should cry 'Halt' against this vicious method of attacking business under the cover of assailing public corporations, and treating them all as if they were criminal organizations."

And Mr. Fitzgerald, of New York, he who one year later led a little band of reactionary Democrats in saving the Cannon rules, declared:

"I have not reached that point yet where I believe every man engaged in business is endeavoring to act illegally."

Mr. Richardson, of Alabama, declared that "the amount of fifty thousand dollars follows upon prudent, careful lines, but the increase proposed is a leap in the dark. The time has not come when I will go so far as to do wrong and injustice to the railroads, and at the same time injure the public by stimulating and encouraging an inspection that will promote no one's interests."

There was vastly more of the same sort during that debate, which was frankly recognized as the crucial test between Roosevelt and his enemies for that session. At the close of the discussion, the three-hundred-and-fifty-thousand-dollar item was voted into the bill by the close vote of eighty-seven to seventy-two.

I have gone into detail in this instance

because it illustrates the blindness which affected chronic opponents of Roosevelt's policies. Section twenty has since that time proved itself everything that Roosevelt's supporters believed it. You could not to-day muster a corporal's guard in either branch of Congress to repudiate that provision. It has done more than any other thing to give force and vitality to the prohibitions against discriminations and rebating. Enlightened railroad men and financiers are in complete agreement as to the beneficent results that have flowed from the stoppage of these practices. They have been "catching up with Roosevelt."

FEDERAL INSPECTION OF MEATS

Whenever Roosevelt set about to regulate business he was accused of malicious purpose to injure business. As this was true in the case of railroad-rate regulation, so it was in that of pure-food legislation, which was attacked on the ground that it would work havoc to a great industry. It was true, likewise, when Roosevelt in 1908 wrote a special message on the conditions in the great meat-packing establishments, and demanded Federal inspection of meats.

The outcry which ignorance and prejudice raised in opposition was echoed from end to end of the country. At first there was flat denial of the conditions he had described. Then an avalanche of letters and telegrams protested that the charges were certain to ruin both the domestic and the foreign trade in meats. Country merchants, bankers, agricultural societies, live-stock associations, boards of trade, chambers of commerce, and individuals by the thousands—every interest that could be reached and aroused—protested against the policy which the President had demanded.

He then sent experts to the packing centers to ascertain the facts. Their reports convinced the public of the necessity for bettering the existing conditions.

As a result of this investigation, Senator Beveridge, of Indiana, presented an amendment for inspecting and labeling meats, which was adopted by the Senate without debate. But in the House it met a determined opposition. The reactionary Cannon machine, headed by Cannon, William Lorimer, reputedly a special representative of "big business," and James W. Wadsworth, chairman of the House Committee on Agriculture, undertook first to prevent the legislation, and then to make it as mild as pos-

sible. Practically everybody pretended to favor legislation; but the Cannon-Wadsworth ring was determined to make it weak and ineffective.

So the bill was sent to the House Committee on Agriculture, which returned a substitute for the Beveridge provision. Concerning this substitute, Mr. Roosevelt wrote a letter to Representative Wadsworth, which is a classic of its kind. He said:

I have gone over your bill very carefully, and the more I investigate your proposed substitute the worse I find it. Almost every change is one for the worse; it is very, very bad. I am sorry to have to say that this strikes me as an amendment which, no matter how unintentionally, is framed so as to minimize the chance of routing out the evils in the packing business. Doubtless it suits those who object to a thoroughgoing inspection, but I am convinced that it will be in the long run a heavy blow to the honest stock-raisers and the honest packers. I cannot even promise to sign it, because the provisions are so bad that, in my opinion, if they had been deliberately designed to prevent the remedy of the evils complained of, they could not have been worse.

This brought the fight to a crisis. The Wadsworth substitute was modified along the line of Roosevelt's demands, and House and Senate at last agreed on the efficient inspection that has since prevailed.

The results of this reform have proved exactly contrary to all the gloomy predictions of disaster. If Noah had gone out predicting a terrific drought, and recommending the installation of an irrigation system, his mistake would have been no more egregious than was that of the people who insisted that "Roosevelt was trying to ruin the American meat business." The inspection system has put that business on a safer basis than ever before, opened markets that were formerly denied, made American meats a standard the world over, and so strengthened the industry that to-day a proposal to repeal the law would be opposed by the very people who originally fought its enactment.

THE FIGHT FOR PURE FOOD

In his message to Congress on December 5, 1905, Mr. Roosevelt urgently recommended legislation to regulate interstate commerce in misbranded and adulterated foods, drinks, and drugs.

"Such a law," he said, "would help legitimate manufacture and commerce, and would tend to secure the health and welfare of the consuming public."

The agitation for Federal pure-food legislation had been going on for twenty years, but the patent-medicine venders, food-fakers, and adulterators had managed to prevent legislation. Many States had secured pure-food laws, and all enlightened foreign countries had them. It was only when Roosevelt took hold of the matter that things began to happen.

In this, as in other cases, the stock argument against the reform was that it was beyond the powers of the national government. Thus Mr. Adamson, of Georgia, to-day chairman of the House Committee on Interstate Commerce, opposed the legislation on the ground that "it invaded the police authority of the States." He declared that "there is no use to have hydrophobia against State lines, nor to talk about a man marching in red-handed rebellion because he says there are some things Congress ought not and cannot do. I do not mean to declare that this legislation *per se* is vicious in all respects, but in some respects I regard it as exceedingly so."

Mr. Henry, of Texas, to-day chairman of the powerful Committee on Rules, gravely feared that pure-food legislation would overthrow the Constitution. Eloquent and earnestly he spoke in justification of his vote against the measure.

"At every session of Congress," he said, "we have sent to our desk a copy of the Constitution. We have uplifted our hands and sworn to support it. And so far as I am concerned, when it becomes apparent that a bill is in flagrant violation of the Constitution, I intend to keep my oath of office as a Representative of the people. If we give this power to Congress, we usurp it. We rob the States of their inherent sovereignty. An adjudication of the Supreme Court is worth nothing here to-day. We are throwing law, precedents, and authority to the winds!"

HARK, HARK, THE WATCHDOGS BARK!

Mr. Bartlett, of Georgia, now a leader in the Democratic House, was just as strong in conviction that our institutions were gravely menaced.

"This bill," he said, "is based upon the idea that because the police laws of the States may not be enforced to the satisfaction of all, the Congress should invade the States and enact laws to prevent frauds, impositions, and adulterations of foods; a power which Congress does not possess,

never possessed, and which this act will prove futile to establish."

Senator Tillman, of South Carolina, was no less vigorous. He declared that "this bill is too crudely drawn and too loose-jointed. There is too much power placed here in the hands of the bureau. Let the basis of criminal action be laid down in the law, and let us not leave it to regulation promulgated by Dr. Wiley, or the Secretary of Agriculture, or anybody else."

Senator Bailey, of Texas, widely regarded as the great constitutional authority of the Senate, put this objection to the Pure Food Law into his speech:

"If it were an attempt in good faith to regulate commerce, there could be no doubt as to the power of the Federal government; but as it is intended, understood, and supported for the purpose of protecting the people of the several States against injurious articles of food and drink, it is purely and only an exercise of the police power, and therefore not within the power of the Federal government."

In these excerpts, taken at random, we get the general slant of the objections to pure food and pure drugs. The thing that Mr. Roosevelt wanted was unconstitutional, impracticable, subversive, a usurpation of powers that belong only to the States, and a betrayal of the people into the hands of the food poisoners!

The only trouble with these gentlemen was that they had not at that time caught up with the Roosevelt policy. How many of them would to-day advocate repeal of the Pure Food Law, or repeat the arguments which they then used in opposition to a statute that now commands the unanimous approval and support of the country, after five years of enforcement?

The fact is that there isn't an intelligent citizen, North or South, East or West, that would raise his finger against pure food and pure drugs. It is on the purity of these things that the very existence of the race depends.

CORPORATIONS AND CAMPAIGN FUNDS

In his message to the Congressional session of 1906 and 1907, President Roosevelt reiterated an earlier recommendation to prohibit corporations from contributing to campaign funds. He raised no objection to payments by individuals, but urged that gifts from corporations should be forbidden.

To this measure, as to many others, the

opposition was of two kinds—open and covert. The measure was held up a long time in the effort to prevent a vote, for it was realized that the great majority would not dare vote against it. The familiar procedure of side-tracking and pigeonholing was employed, but Roosevelt wouldn't stand for this. He forced the bill before the House by main strength. Representative Mann, of Illinois, then a lieutenant of Cannon, now leader of the Republican minority, flatly opposed it.

"I am not in favor of this bill," he said. "I do not believe that the government has constitutional authority to regulate and control all the elections in the country. Although I know the popular demand that we shall prevent the influence of corporations, and although that influence ought to be controlled, I have the courage of my convictions on this question."

Mr. Grosvenor, of Ohio, declared that "no good will come of this legislation. If you want to purify politics, you must go further, and provide that no man shall contribute any money. You ought to provide that no man shall be a candidate for office unless he can prove to a nonpartizan committee that he has not got a cent on God's earth, and that he will not corrupt anybody!"

Despite much more of this sort of opposition, public sentiment was strongly in favor of the legislation. Backed up by Mr. Roosevelt, the measure passed, and was approved January 26, 1907.

THE EMPLOYERS' LIABILITY PROBLEM

The development of a Federal code of employers' liability legislation once more illustrates the procedure by which legislation and public opinion have been slowly "catching up with Roosevelt." He repeatedly recommended proper protection for wage-workers, to guarantee compensation to those injured or killed in industry, or to their families. In cooperation with Senator LaFollette, he secured passage of a measure dealing with accidents to the employees of interstate carriers.

This measure, though only a beginning in the direction of the comprehensive system of liability legislation that Roosevelt favored, aroused intense opposition, because it was a beginning. It passed late in his administration. Some months after he had ceased to be President, it was invoked in a personal injury suit in Connecticut. The case involved injuries sustained in connec-

tion with interstate commerce, and the Federal statute was brought into the case.

Judge Simeon E. Baldwin, head of the supreme bench of Connecticut, wrote an opinion in the case, holding broadly that the Federal law was unconstitutional. The national government, he argued, had no business thus attempting to usurp powers of the States.

Later, Judge Baldwin was nominated for Governor of Connecticut. Roosevelt vigorously assailed him because of that decision, denouncing its reasoning as archaic and impossible.

Judge Baldwin defended himself in kind. The exchanges developed such acrimony as to attract national attention. During his campaign for Governor, Judge Baldwin even threatened to sue the former President for libel. Mr. Roosevelt was game. Nothing would please him better; he dared his antagonist to sue, but of course the Nutmeg jurist decided not to do so.

The incident dropped from sight; but, meanwhile, that same employers' liability act which Judge Baldwin had held invalid was pressing its devious way toward a decision in the Supreme Court of the United States. The decision came a few weeks ago. It went precisely to the merits of the Roosevelt-Baldwin controversy. Baldwin had held that law unconstitutional. Roosevelt had denounced him for doing so, reflecting rather severely on his judicial qualifications, and staking his own reputation on the declaration that the law was constitutional.

The Supreme Court held that Roosevelt was right, Baldwin wrong!

It was a complete vindication. Though not a lawyer, the former President had backed his judgment of law and Constitution against that of an experienced jurist, and had won.

Despite that there was determined opposition to all employers' liability legislation, almost always based on the claim that the particular bill was unconstitutional in form, Mr. Roosevelt persistently pressed for more definite and inclusive measures. Finally, not long before he went out of office, Congress passed a resolution providing for the creation of a special Congressional commission to study the whole subject, to determine the forms which Federal legislation might properly take, and to report a bill. As a result, after three years, that commission has "caught up with Roose-

velt" by reporting a project of employers' liability legislation based on the German and English systems.

Like so many other things that Roosevelt recommended, this was altogether too advanced for immediate adoption by Congress. But here, as in other matters, our legislators are now "catching up with Roosevelt," and indications are that another year will see a really modern and adequate system included in the Federal laws.

JUSTICE FOR GOVERNMENT EMPLOYEES

Closely related to this legislation was the act, drawn in accord with Mr. Roosevelt's recommendations, to grant employees of the United States compensation for injuries sustained in the course of their employment. Prior to its passage an employee of the government had no recovery if injured. The government could not be sued like an industrial corporation. There was vigorous objection even to so reasonable a measure. It was voiced by Mr. Bailey, of Texas, thus:

"I never was more certain of anything in my life than I am that this is a bad bill. It is vicious in principle, in that it sends men for the determination of what ought to be a legal right to an officer of the government who need not be, and generally is not, a lawyer."

Of the same class of social legislation for the benefit of workers was the act of 1907 limiting the working hours of railroad employees. In regard to this measure, Mr. Williams, of Mississippi, declared himself "in absolute and hearty accord with the minority members of the committee, who see in the bill nothing but a sham, a delusion, and a pretense." But the legislation passed, and has produced excellent results, bringing justice to men who were grossly and sometimes inhumanly overworked by heartless managements.

During his second administration, Mr. Roosevelt became deeply interested in the Federal regulation of corporations engaged in interstate commerce other than carriers. In a message on January 31, 1908, he declared that "recent court decisions had made it desirable that there should be additional legislation concerning the relations between the great corporations and the public." A bill was introduced (Senate 6440, Sixtieth Congress, Second Session) to supplement the Sherman Anti-Trust Act by providing for the registration and licensing of corporations, requiring the fullest pub-

licity concerning their affairs, forbidding consolidations without approval of the Federal authorities, and giving such authorities the right to withdraw the license of any corporation found to be in restraint of interstate commerce.

AN ATTEMPT TO CLARIFY THE LAW

This measure, in short, proposed to leave the present Anti-Trust Act substantially unchanged, but to add provisions to facilitate its administration and to enable the government to inform itself concerning the business of corporations. Since the Standard Oil and Tobacco decisions, it has been almost universally admitted that such legislation is needed. The demand has gone up from all quarters that the laws shall be made more definite and specific, so that men of affairs may know at the inception of an enterprise whether it is legal or not.

It is difficult to realize that so recently as three years ago such a proposal as this was unanimously rejected by the Senate Committee on the Judiciary, and that the bill which proposed such a supplementing of the Anti-Trust Law was turned down with an elaborate and unfavorable report. Yet such is the fact. The committee reported on January 26, 1909, and its concluding observations, which I will quote, are certainly illuminating to-day:

The act [the Sherman Law] as it exists is clear, comprehensive, certain, and highly remedial. It practically covers the field of Federal jurisdiction, and is in every respect a model law. To destroy or undermine it at the present juncture, when combinations are on the increase, and appear to be as oblivious as ever of the rights of the public, would be a calamity. In view of the foregoing, your committee recommends the indefinite postponement of the bill.

It may be doubted whether a single man who served on that committee, three short years ago, would to-day sign a report that the Sherman Act "is in every respect a model law." Yet that report was made for the specific purpose of killing Roosevelt's attempt to end the uncertainty which surrounded the Anti-Trust Act. Written by Senator Nelson, of Minnesota, and signed by the entire committee, it was put forth as the conclusive answer to Roosevelt's efforts to improve the anti-trust laws.

WAS ROOSEVELT RIGHT, OR THE SENATORS?

In the light of the well-nigh unanimous present-day demand for such legislation, it

is worth while to recall who were the members of that committee which vetoed Roosevelt's efforts to secure the very thing the country to-day desires. They were:

Senators Clark, of Wyoming; Nelson, of Minnesota; Depew, of New York; Foraker, of Ohio; Dillingham, of Vermont; Kittredge, of South Dakota; Knox, of Pennsylvania; Fulton, of Oregon—Republicans. Bacon, of Georgia; Culberson, of Texas; Clarke, of Arkansas; Overman, of North Carolina, and Rayner, of Maryland—Democrats.

Who was right, Mr. Roosevelt or the Senators?

Perhaps the answer can be given by recalling that the Senate, shortly before it adjourned last summer, directed its Committee on Interstate Commerce to hold hearings on the Federal control of interstate business, to determine what was needed, and how to accomplish it, along the very lines of the legislation that Roosevelt had urged and that the committee had unanimously rejected! This, again, suggests that we have been "catching up with Roosevelt."

THE WATER-POWER QUESTION

On January 15, 1909, Mr. Roosevelt vetoed the construction of a dam across the James River, in Missouri, to create a water-power. This message gave the public its first view of the "water-power trust," since widely exploited.

The veto was based on the fact that no proper provisions were included to protect the public interests in the power. The House committee protested that the Federal government had no authority to impose such provisions. It was the same old argument, that the Constitution would not permit the Federal power to safeguard the public interest. The President had objected to the bill because it did not provide a time limit upon the privilege, and did not reserve to the government the right to fix a charge for the use of the power.

The policy laid down by Roosevelt in this connection has since been approved by both Congress and the country in various cases. It is now accepted as good law and sound public policy, that the government should impose the very conditions demanded by Roosevelt. Yet when he first demanded those conditions, the Senate Committee on Commerce reported flatly that Congress could not constitutionally impose them.

The gentlemen composing this committee

were Senators Frye, of Maine; Elkins, of West Virginia; Nelson, of Minnesota; Gallinger, of New Hampshire; Penrose, of Pennsylvania; Depew, of New York; Perkins, of California; Hopkins, of Illinois; Piles, of Washington; Crane, of Massachusetts, and Smith, of Michigan—Republicans. Martin, of Virginia; Stone, of Missouri; Simmons, of North Carolina; McLaurin, of Mississippi; Clarke, of Arkansas, and Newlands, of Nevada—Democrats. They assured the Senate that the thing that has since become the policy of the country simply could not be done. Another case in which Mr. Roosevelt was right and the timid constitutionalists wrong!

THE GREAT CONSERVATION MOVEMENT

The time will come when it will be recognized that the greatest policy which Roosevelt inspired found its expression in the national conservation movement.

It was a new conception; Roosevelt had to invent the very name as well as the program of the movement. In the beginning, it was so big and ambitious that unimaginative people regarded it as impracticable. But Roosevelt found means with which to precipitate it into the realm of the practical. He called the first conference of Governors, and with them brought together a body of leaders in national thought, men with minds and conceptions broad enough to understand what he was trying to do. Out of this gathering grew not only the organization of the House of Governors, but also a substantial development of sentiment in favor of the most practical measures for the conservation of national resources.

To Roosevelt, and to the movement as it developed under Roosevelt's leadership, conservation was anything but a vague and shadowy proposition. It contemplated getting out of the soil the largest possible yield of wheat, corn, and cotton, and at the same time preserving most effectively the producing capacity of the land. It had purposed to utilize the national waterways for both navigation and power, and to assure that these facilities should be provided to the public at reasonable rates.

It looked to the preservation of the public domain in the public interest, so that its exploitation by private interests for private profit should be stopped. It designed not only to save our remaining forests, but, so far as possible, to restore those already too recklessly destroyed. It contemplated great-

er efficiency and economy in mining operations, that our coal supplies might last longer. It short, it took cognizance of the national tendency toward extravagance, and brought the nation up with a sharp turn to a realization that its excesses, if continued, must ultimately reduce its economic level to that of the rest of the world.

Part and parcel of the Roosevelt conservation program was the withdrawal of a vast area from the open public domain, and its addition to the forest reserves, under conditions which made it impossible for private exploiters to secure title to it. In line of this policy, he transferred no less than one hundred and forty million acres from the public domain to the forest reserves.

There was bitter hostility on the part of private interests that wanted these lands, and their withdrawal from the market was repeatedly denounced as illegal and unconstitutional. But Mr. Roosevelt stood firmly by his proposition that the public was entitled to first consideration in administering the public domain, and his policy has been vindicated not only by public opinion, but by the action of his successor, who has added nearly three million acres to the hundred and forty millions that Roosevelt put into the forest reserves.

In like fashion Mr. Roosevelt withdrew very considerable areas in order to protect water-powers within the public domains.

ROOSEVELT AND THE INCOME TAX

In December, 1906, Mr. Roosevelt vigorously took up the question of the taxation of incomes, and urged it upon the attention of Congress. On this subject he said:

"There is every reason why, when next our system of taxation is revised, the national government should impose a graduated inheritance and, if possible, a graduated income tax."

He wanted the tax, and doubted whether it was necessary, as a preliminary, to amend the Constitution. He advised that if it were possible to establish the tax without waiting for amendment, this should be done.

The income tax suddenly became a burning issue during the tariff session of 1909, immediately after Mr. Roosevelt had gone out of office. A strong element in the Senate believed, with Mr. Roosevelt, that it was not necessary to amend the Constitution. Mr. Taft himself had expressed the opinion that the Supreme Court would sustain properly drawn legislation.

Accordingly, there was introduced, as an amendment to the Payne-Aldrich bill, an income-tax provision. At one time the polls of the Senate showed a majority of one or two votes for it. But meantime President Taft had become doubtful about the point on which, during his campaign, he had expressed so much confidence. He suddenly decided that an amendment of the Constitution was necessary.

In this he was supported by the reactionary Senators, and they devised, as a substitute, the corporation-tax measure that is now law. Mr. Aldrich proposed substituting the corporation tax for the income tax, and on adopting the substitute the Senate voted—yeas, forty-five; nays, thirty-one.

Thus the Roosevelt policy was rejected. The income tax was killed for the time being, but in order to allay public indignation it was necessary to submit a constitutional amendment. This cannot become a part of the Constitution until ratified by three-fourths of the States. The failure to follow Roosevelt and the progressives has given the opponents of the income tax a chance to defeat it in the State Legislatures, and it is still uncertain whether three-fourths of the States will assent to it.

If the advice of Roosevelt had been followed, the law would have been put on the statute-books with the Payne-Aldrich tariff, and would probably have been sustained by the court.

ROOSEVELT AND THE PANAMA CANAL

President Roosevelt's determined measures to insure the construction of the Panama Canal were bitterly opposed. He was criticized for his alleged relations to the insurrection on the isthmus, and to the establishment of an independent Republic of Panama. But his vigorous handling of the matter prevailed, and made certain, despite the opposition of the transcontinental railroads, that the canal would be built.

The opposition rallied for its last stand in the attempt to override Mr. Roosevelt's wishes, and the recommendations of the American engineering experts, that a lock canal should be constructed. It would not be fair to state that all those who, in Senate and House, voted in favor of a sea-level canal were actuated by a secret desire that no canal at all should be built. It is certain, however, that practically everybody who wanted to prevent or delay the construction of any canal lined up in favor of the sea-level plan.

Mr. Roosevelt opposed it because of the great expense, the uncertainty as to its feasibility, and the much longer time necessary to build it. He wanted a canal with locks, such as is now almost completed; and it is interesting to recall that the President's estimates of cost and time have been justified by the actual experience of construction.

The canal is to be opened to the world's commerce in 1913. The misgivings and uncertainties so boisterously proclaimed by Roosevelt's opponents have long since been forgotten in the national satisfaction at the proximate and assured completion by this government of the greatest engineering work ever performed by men—the biggest gift bestowed upon the world by any nation.

THE CHAMPION OF A STRONG NAVY

From the time when he was Assistant Secretary of the Navy under McKinley, Mr. Roosevelt was always and uniformly an advocate of building a great and powerful navy. After his accession to the Presidency, he pressed with redoubled energy for constant and uniform expansion of the battle fleet, and to his insistence is due the fact that to-day our fleet is second among those of all nations.

Without doubt, our possession of a vastly superior naval force was one of the most important factors in assuring peace with Japan during the troublous period of negotiation concerning the admittance of Japanese laborers to this country. More than this, Mr. Roosevelt was able to give the world a most impressive testimonial of American naval power by sending the fleet on its memorable trip around the world in 1908.

That trip, by the way, provided one more occasion for the discomfiture of the Roosevelt critics. There were such in plenty, who denounced the project as a piece of rare folly, declaring that the fleet would never succeed in the grand tour; that half its members would be lost in the Straits of Magellan; that the vessels would be worn out and obsolete by the time they arrived home, if any of them were fortunate enough to do so, and much more of the same sort.

The event proved that Roosevelt knew his navy better than his critics knew it. The fleet returned intact to Hampton Roads, with every vessel in fighting trim, after a triumphal tour such as no other armada in the history of the world had ever undertaken. It carried the American flag and the solid evidence of American power to all the seas,

to every quarter of the world, for the inspection of the nations.

OTHER ROOSEVELT IDEAS

Although postal savings-banks had been in operation in many countries for a long time, little was known of the system in this country, and people who advocated it were widely regarded as cranks, until Roosevelt made it part of his program. He repeatedly demanded legislation establishing both this and the parcel-post. He pointed out that "postal savings-banks are now in operation in practically all the great civilized countries except the United States," and urged that a beginning be made in the direction of the parcel-post by establishing it on rural routes.

Although postal savings-banks were not opened until some time after Roosevelt had left the White House, his long fight developed the sentiment that made them possible, and this is fairly to be catalogued as one of his great accomplishments. Already its success is assured.

As to the parcel-post, the movement started by Roosevelt has now gained such headway and force as to assure early passage of the law providing for it. This will be another belated demonstration of the tendency to "catch up with Roosevelt."

When it became necessary to send troops a second time into Cuba to restore order, all the world believed that the occupation would be permanent. But again Roosevelt was right, and nearly everybody else wrong; when order was restored the American arms were withdrawn.

Just as this instance of rigid adherence to the letter of international faith improved Latin America's opinion of us, so Roosevelt's part in bringing peace between Russia and Japan vastly enhanced our status among the powers of the Old World. When he first offered mediation, it was looked upon as an utterly hopeless undertaking, and few had any faith in the possibility of a successful outcome. Later, while the Portsmouth conference was in session, it looked more than once as if the negotiations must fail; but the moral force of Roosevelt's influence proved to be a decisive and compelling factor in the deliberations of the warring powers.

To Roosevelt's initiation and insistence is due the adoption of the national irrigation policy which has added a small empire to the richest arable area of the nation.

Roosevelt's persistent demand for better conditions of women and children in industry brought about a nation-wide investigation, and aroused an interest which is certain to result in useful legislation.

THE COUNTRY LIFE COMMISSION

There is no more striking example of Roosevelt's intellectual leadership than is afforded by his appointment of a Country Life Commission. It is but very lately that the swift course of events has brought us to a proper perspective of this episode. Mr. Roosevelt saw the close association between the cityward movement of population and the upward trend of living costs. He realized the need of keeping a proper balance of population between city and country. To do that, the country must be made more attractive, more livable. It must offer the inducement of larger rewards for the best effort. Socially, industrially, educationally, it must be made more inviting.

So, before the rest of us had yet reached this conception, Roosevelt had the idea and went at the task of developing it. He named the Country Life Commission and set it at these big and important problems. It did much excellent work; but Congress, not having "caught up with Roosevelt," would have none of it. An appropriation to continue the work was denied, and the project had to be dropped.

But note now how great a movement was set afoot, and how it has expanded, despite the picayunish economies of a short-sighted legislative policy. To-day the slogans of that movement are blazoned everywhere. "Back to the farm" is the motto of the most universally indorsed propaganda of the time. Its origin, inspiration, and endowment with a real national purpose must be referred directly to Roosevelt.

Nobody doubts now that it is one of the most desirable social evolutions of the time. The whole nation has caught the idea that was in Roosevelt's mind; and in doing so it has given us a splendid measure of the difference between the broad vision of Roosevelt and the narrow conceptions of a Congress that would have killed this whole movement if it had had the power.

If the government had acted on Mr. Roosevelt's recommendations, and had accomplished what it is possible for a government to accomplish, the question of the high cost of living might now be in the way of a satisfactory solution. The eternal law of

supply and demand, after all, is the chief factor in the price of foodstuffs and of everything else. Whatever governmental encouragement would tend toward turning the tide of population back to the land would increase the output of our farms, and would mean cheaper living prices for us all. Here there is another great opportunity for "catching up with Roosevelt."

THE VINDICATION OF ROOSEVELT

For constructive work and individual initiative, no President has ever achieved results at all comparable to those of Roosevelt's seven years in the White House. With his retirement the constructive, progressive movement in national affairs waned, and accomplishment has since been confined chiefly to the execution of some of the policies to which Roosevelt's initiative and energy gave so much momentum.

The measures that Mr. Roosevelt actually big-sticked into the statutes while outraged conservatism cried loudly against "tyranny" and "dictatorship" are now accepted as wise by the very people who then protested. Proposals that were denounced as ruinous to business are now lauded as its conservators.

The explanation is that the country has been "catching up with Roosevelt." Most of it was pretty well up with him all the time; but the people who prophesied disaster in doleful tones have now caught pace with the others, and the nation is practically of a mind as to the safety, desirability, and usefulness of the Roosevelt policies.

Roosevelt and Rooseveltism have been vindicated by experience. The newest of the Roosevelt laws have been in force about three years; the oldest, about ten. They have been tried and found not wanting. They have stood the test of enforcement. The fears of lawyers that they would be held unconstitutional have been brushed aside by the courts. The predictions that ruin and business calamity would follow in their trail have proved groundless. The policy of government control and regulation of industry, transportation, and finance has been adopted as the program of the future.

Going back over the record of accomplishment under Roosevelt, comparing the forecasts of failure with the facts of success, only one conclusion can be drawn: Roosevelt was right. The constitutional sharps, the *laissez-faire* economists, the timid statesmen, the terrified captains of enterprise, were wrong.